ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಿ ಪಾಸು ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಮಾನ್ಯ ಸದಸ್ಯರು ಸಣ್ಣ ಪುಟ್ಟ ಕೆಲಸಗಳಿಗೆ ಬರಬೇಡಿ.

ಡೊನೇಷನ್ ಕೊಡುವ ಬಗ್ಗೆ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿದ್ದಾರೆ. ನರ್ಸರಿ ಸ್ಕೂಲುಗಳಿಗೆ ಕೂಡ ಡೊನೇಷನ್ ಕೊಡುವ ವಿಚಾರವನ್ನು ಹೇಳಿದ್ದಾರೆ. ಈಗ ನಾನು ಹೇಳಿದ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದರೆ ಅದನ್ನೆಲ್ಲಾ ತಡೆಗಟ್ಟಬಹುದು. ಮಕ್ಕಳನ್ನು ಸ್ಕೂಲುಗಳಿಗೆ ಸೇರಿಸಬೇಕಾದರೆ ನಾವು ದುಡ್ಡು ಕೊಡುತ್ತೇವೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಆದರೆ ತನಿಖೆಗೆ ಬಂದಾಗ ನಾವು ದುಡ್ಡು ಕೊಟ್ಟಿದ್ದೇವೆ ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಯಾರೂ ತಯಾರು ಇಲ್ಲ. ಅವರಿಗೆ ಮುರ್ಕಾದೆ ಹೋಗುತ್ತದೆ ಎಂದು ತನಿಖೆಗೆ ಕಳುಹಿಸಿದರೆ ದುಡ್ಡು ಕೊಟ್ಟದ್ದಕ್ಕೆ ಪುರಾವೆ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಸಾಕ್ಷಿ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಕಾನೂನಿನ ಆಧಾರ ಇರುವುದಿಲ್ಲ. ಪುರಾವೆ ಮೇಲೆ ಯಾರಾದರೂ ಪೇಪರ್‌ನಲ್ಲಿ ಬರೆದುಕೊಟ್ಟರೆ ದುಡ್ಡು ತೆಗೆದುಕೊಂಡವರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಪುರಾವೆ ಇಲ್ಲದಿದ್ದರೆ ಅವರ ದೂಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಕಷ್ಟವಾಗುತ್ತದೆ ನಿಗದಿಯಾಗಿ ಇಂತಿಂಥಾ ಕಡೆ ಇಂತಿಂಥವರು ದುಡ್ಡು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂದು ಮಾನ್ಯ ಸದಸ್ಯರು ಬರೆದುಕೊಟ್ಟರೆ ಅದನ್ನು ತನಿಖೆ ಮಾಡಿಸಿ ಅವರನ್ನು ಯಾವ ರೀತಿ ಶಿಕ್ಷಾರ್ಹರನ್ನಾಗಿ ಮಾಡಬೇಕೋ ಆ ರೀತಿ ಮಾಡಬಹುದು. ನಾನು ಒಬ್ಬ ಲಾಯರ್. ನನಗೂ ಕಾನೂನು ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ಈಗ ಮಾನ್ಯ ಸದಸ್ಯರು ಏನು ಹೇಳಿದರು ಅದರಲ್ಲಿ ಸತ್ಯಾಂಶ ಇಲ್ಲ ಎಂದು ಹೇಳುವುದಕ್ಕೆ ನಾನು ತಯಾರಿಲ್ಲ. ಸತ್ಯಾಂಶ ಇದೆಯೆಂದು ತಾವೇ ಹೇಳುವುದಕ್ಕೆ ಹಿಂದೆ ಮುಂದೆ ನೋಡುತ್ತೀರಿ. ನನಗೆ ಸ್ವಲ್ಪ ಕಾಲಾವಕಾಶವನ್ನು ಕೊಟ್ಟರೆ ಈ ಬಗ್ಗೆ ಒಂದು ಸಮಗ್ರ ವಂಸೂದೆಯನ್ನು ತಂದು ಪಾಸು ಮಾಡಿಕೊಂಡು ಇದಕ್ಕೆ ಪರಿಹಾರವನ್ನು ಒದಗಿಸುತ್ತೇನೆ ಎಂದು ಭರವಸೆಯನ್ನು ಕೊಡುತ್ತೇನೆ. ಆ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದ ಮೇಲೆ ಇಂಥಾ ತಪ್ಪುಗಳು ೧೦೦ಕ್ಕೆ ೯೦ ರಷ್ಟು ಆಗದ ಹಾಗೆ ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆ.

MATTER UNDER RULE 312

Re: Revising the list of SC/ST Candidates for probationary class I and class II Posts.

† SRI C.M. ARUMUGAM.—(K G.F.) Sir. the Government have issued an order on 4th March, 1977 on the basis of the Havanoor Commission Report, including certain castes and communities as backward classes and making reservation for them. There were about 16 backward communities, 129 backward classes and 62 Tribes. There is also a Special Group mostly consisting of artisans, petty businessmen, engaged in some occupations involving manual labour and persons holding an appointment in Government or private concerns. The Government were pleased to make reservations for Scheduled Castes and Scheduled Tribes as defined in the Constitution, *i. e.*, 15% and 3% respectively. The Government were also pleased to make reservations for the Backward Communities (20%), Backward Castes (10%) and Special Group (3%). Along with this, the Government also directed the authorities making recruitments to follow these reservations strictly.

The Government also directed the authorities to follow the roster attached to the G. O. of 4th March 1977 according to which the first vacancy should have gone to General Merit and the second to the

Scheduled Caste *etc.* Having given effect to this order for a few months the State Government thought that there was inadequate representation of the Scheduled Castes and the Scheduled Tribes in the State services. Therefore, Government in their wisdom, revised the order of 4th March 1977 and issued another Order No. DPAR 28 SBC 79 dated 25th September, 1979.

The Preamble of this order reads like this :—

"In the roster annexed to the G. O. No. DPAR 1 SBC 77 dated 4th March 1977 as appendix-II, the first point is treated as general merit and the second point is reserved for persons belonging to Scheduled Castes and the 3rd point is reserved for persons belonging to Scheduled Tribes. In view of the inadequate representation of persons belonging to Scheduled Castes and Scheduled Tribes in the State Civil Services, Government consider that it is necessary to revise the roster to provide for reservation of the first and second vacancies in the roster to favour persons belonging to Scheduled Castes and Scheduled Tribes respectively and to revise consequently the roster fixing the proper points for others."

The Order says :—

"Government are accordingly pleased to direct that the roster annexed as Appendix-II to the G. O. dated 4th March 1977, as amended from time to time, be substituted by the roster annexed to this Order with immediate effect."

According to this order of 25th September 1979, the roster is that the first vacancy will go to Scheduled Caste, the second will go to the Scheduled Tribe and the third will go to General Merit The Government have in their previous G.O. reserved for General Merit *i. e.*, 42./· backward communities 20./· bockward castes 10./· Backward tribes 5./· and Scheduled Tribes 3./·. This was according to the original roster. The revised roster is as follows.

(1) General Merit from 42./· it has been reduced to 34./·

(2) Backward Communities from 20 /· it has been reduced to 18./·

(3) Scheduled Castes 15 /· and no change is there.

(4) Backward Castes 10./· and no change is there.

(5) Backward Tribes 5./·

(6) Backward Special Group 15./· and

(7) Scheduled Tribes 3./·

Some time in July 1978, certain posts in Class I and Class II cadres were advertised by the Karnataka Public Service Commission. The posts are as below.

	Name of the Post	Nos.
Class I	(1) Asst. Commissioners	15
	(2) Assistant Controllers	7
	(3) Commercial Tax Officers	7
	(4) Treasury Officer	1
	(5) D. S. P.	7
	Total :	37
Class II	(1) Tahsildars	30
	(2) Asst. Commercial Tax Officers	10
	(3) Asst. Controller of Weights and Measures	2
	(4) Asst. Superintendent of Prisons	1
	(5) Asst. Registrar of Co-op. Societies	20
	(6) Asst. Treasury Officers	2
	(7) Labour Officers	2
	(8) Dy. Superintendents of Excise	3
	Total :	70

The examination was conducted as per rule 4 of the Mysore Recruitment Gazatted Probationers Rules and Regulations during October 1978. The results were published in 1979. The personality test was conducted in November 1979 and January 1980. This was the process done from 1978 to 1980. So, they have taken two years to finalise this. I am not here to protect the Public Service Commission as to why they have delayed, They have delayed. Then, during the course of this process they have followed what is called the Government order of 25th September 1979 in selecting the candidates. They have published the selected list in the gazette. All the formalities were follow d and there is absolutely no error on the part of the Public Service Commission in following the procedure laid down under the rules. Sir, one more point I would like to bring to the kind notice of the Hon'ble Chief Minister is that the Public Service Commission is not a Department of the Government. Secondly, even if it is a d partment or any statutory body they should be governed by the Government order only, not by letters. If the Government desires that the order of September 1979 should be

amended or revised, the Government must issue orders and not letters. When the selection was made and the list was published, the decision of the Commission with regard to the eligibility or otherwise of the candidates for admission to the examination shall be final and no candidates to whom a certificate has not been issued by the Commission shall be admitted to the examination. So the decision of the Commission is final and they have selected the candidates and the list was published in the official gazatte. The Government in a letter wants the Public Service Commission to what is called, re-do the list, According to the roster of Government order dated 4th March 1977. As I have said earlier, it is not possible for the Public Service Commission to re-do the list through a letter and they have to go according to the order of the Government. One may ask whether the Public Service Commission should follow the orders of the Government or not. They must follow the Government order. They cannot re-do the list on the strength of a letter issued by the Under Secretary of the Government of DPAR because a letter of the Government is not a Government order. Sir, I would like to bring to the kind notice of the Hon'ble Chief Minister that there is no other choice for the Public Service Commission except to follow the Government order *i. e.*, amended Government order of 25th September 1979. In this connection, luckily for the SCs and STs I have got a decision of the Karnataka High Court in Kulkarni V/s. State of Karnataka case dated 12th November 1979 where they have held that :—

> "So long as the Public Service Commission had not finalised the list of selected candidates any amendment to the recruitment rules was binding on the Commission and after the amendment the Commission, had to take steps in accordance with the amended rules. Hence the notification is modified".

So it binds the Commission, The Commission, advertised for the posts during March 1978. Examination was conducted in November 1979 and in 1980. Amended rules of 25th September 1979 says that "The Public Service Commission should follow the roster". Therefore, Sir, what I submit to the Hon'ble Chief Minister is that whenever the Government issue orders Public Service Commission should act upon that order. In the Government order dated 12-4-1977 there is an explanation. It says :—

> "The process of recruitment shall be deemed to be binding where the list of selected candidates or any other part there of has not been published in accordance with the relevent rules on or before 4-8-1977".

There is also another explanation for another government order issue in July increasing the quota for certain communities. It says.—

"This order shall come into force with immidiate effect. It shall also apply to all pending recruitments in which interview of candidates has not commended, where the interview has commenced the selection may be completed as if this order has not come into force".

Sir, in the Government order of 25th September 1979 there is no explanation. It simply says.—

"The roster must be replaced".

Therefore, there is no other way for the Public Service Commission except to follow the amended order of the Government of 25th September 1979. What will happen ? If you kindly allow the Public Service Commission if the Government order is followed in Class I SCs will get 10 posts and the STs will get 4 posts and in Class II SCs will get 15 posts and STs will get 7 posts. But, if the Government were to insist that the PSC should follow the letter issued by the Under Secretary of the DPAR SCs will get 5 posts in Class I instead of 10 and the STs will get only 1 post instead of 4 and in Class II SCs will get about 9 posts instead of 15 and the STs will get 1 post instead of 7, Sir, I do not want to burden the Chief Minister on these figures. I submit that he has to take a decision which would help SCs and STs. In Class-I, SC percentage is only 3.8. In Class II, it is 4.3. Therefore, in view of the fact that the SCs are not adequately represented in Class I and Class II and even if the Government were to consider that this is a blander commited by the Public Service Commission, I appeal to the Hon'ble Chief Minister, who has got lot of sympathy and compassion for SCs and STs to kindly accept the selected list as published by the Public Service Commission in the larger interest of the SCs STs, Backward Communities, Backward Tribes and others. Thank you.

10-30 A.M.

SRI R. GUNDU RAO (Chief Minister).—Sir, I wish to make the following statement:

Recruitment to posts of Gazetted Probationers Classes I & II is made under the Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examinations) Rules, 1966. Under these rules the Karnataka Public Service Commission held a competitive examination in November-December 1978 and finalised the lists of selected candidates and forwarded them to Government in

February 1980. These lists were slightly modified by the Commission in its letter dated 1-4-1980.

After detailed examination, it was found that the select lists of candidates prepared by the Commission were not in accordance with the orders issued by Government relating to reservation of posts in favour of persons belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes. Therefore on 17-5-1980 the Commission was requested to re-do the lists in accordanae with the relevant orders of Government. The detailed circumstances which necessitated the step are explained below.

In their order No, DPAR 1 SBC 77, dated 4-3-1977, Government issued instructions regarding reservation of posts for persons belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes. A roster was appended to this Government Order for purposes of classification of vacancies. This order came into force with immediate effect. The roster was slightly modified on 16-5-1979 consequent on the decision of the High Court of Karnataka deleting certain communities from the list of Backward Communities and consequential reduction in the percentage of posts reserved for that group. The revised roster was made applicable to all cases of recruitment where the appointments had not been made. Again, consequent on the enhancement of the percentage of posts reserved for the Special Group from 5% to 15%, the roster was revised in Government Order dated 9-7-1979 and the revised roster was made applicable only to cases where the selection process had not yet started. In Government Order No. DPAR 28 SBC 79, dated 25-9-79 the roster was again amended and a revi ed roster was prescribed. According to Government Order dated 25-9-79 the revised roster was to come into force with immediate effect. and it had no retrospective effeect. In O.M. No. DPAR 28 SBC 79, dated 26-10-79, it was clarified that any classification of vacancies for fresh direct recruitment in respect of any category of posts on or after 25-9-79 should be based on the roster prescribed in the Government Order dated 25-9-79.

In the case of recruitment of Gazetted Probationers referred to above, the relevant events and their dates are as given below—

1.	Notification issued by the Commission inviting applications	... 1-7-78
2.	Last date for receipt of applications	... 16-8-78
3.	Written Examinations	... Nov. Dec. 1978
4.	New roster introduced	... 25-9-79

5.	Clarification relating to applicability of new roster	...	26-10-79
6.	Delivery of clarification to the Commission	...	30-10-79
7.	Re-classification of vacancies by the Commn. in accordance with the new roster	...	8-11-79
8.	Publication of the revised classification in the Gazettee	...	15-11-79
9.	Viva-voce	...	Nov. 1979 to Jan. 1980
10.	Letter by the Commission requesting Govt. to issue clarification whether the new roster was applicable to pending cases	...	15-12-79
11.	Publication of select list	...	21-2-80

According to the scheme of the Government Order date 4-3-77 the responsibility of ensuring the reservation and maintaining the roster is that of the appointing authority which is required to intimate the selecting authorities like the P.S.C. the number of vacancies to be filled after duly classifying them in accordance with the rotation indicated in the roster. The selecting authority is neither empowered to classify the vacancies nor is it required to maintain the register indicating the rotation. Hence according to the scheme laid down by the Government, classification of vacancies is to be made by the appointing authority before the vacancies are intimated to the selecting authority and the function of the selecting authority is to make selections as required by the appointing authority.

When the new roster was introduced in G.O. dated 25-9-79 the Commission took upon itself the responsibility and re-classified the vacancies, re-notified them and finalised the selections in accordance with the revised roster issued in G.O. dated 25-9-79. The Government Order dated 25-9-79 did not make the new roster applicable to pending cases. This was made clear in the clarifications issued on 26-10-1979. Even though the said clarification was received by the PSC on 30-10-79, contrary to the said clarification, the PSC reclassified the vacancies according to the new roster and published it in the Gazette on 15-11-1979. Thereafter in its letter dated 15-12-1979 the PSC requested the Government to issue a clarification about making the new roster applicable to pending cases and without waiting for a reply from the Government, on 21-2-1980 published the list of candidates selected in accordance with the reclassification made by it. The action of the PSC is contrary to the scheme of the Government Order under article 16(4)

of the Constitution and clarifications issued by the Government. In these circumstances the Commission was requested to re-do the list in accordance with the roster prescribed in the G.O.dated 4-3-1977 as amended on 16-5-1979 and 9-7-1979.

The question whether application of the new roster to pending cases was legally bad was also examined in the light of the decision of the High Court of Karnataka in the following two cases which were referred to when this matter came up in the Legislative Council recently :—

(i) 1963 Mys. L.J. Supp. 261.

(ii) 1980 Kar. L.J. 159.

In the 1963 case the right of the PSC to select candidates to a particular category of posts was taken away by the amendment. The court held that after the amendment the PSC had no power to select candidates to that category of posts even though the candidates had been interviewed before the date of the said amendment. In the 1980 case, by the amendment of the recruitment rules the number of candidates required to be selected was reduced from 13 to 5. The court held that in view of the amendment the PSC could select only 5 and not 13 persons.

These cases are not applicable to the present case. According to rule 8 of the "General Recruitment Rules" and the scheme of the order made under article 16(4), classification of vacancies is to be made only by the appointing authority and at the time of sending intimation to the PSC and not thereafter. This scheme has not been modified by the introduction of the new roster. By the clarification dated 26-10-79 which has to be treated as part of the order under article 16(4) it is made clear that the new roster does not apply to pending cases. Hence in this case there is no amendment of the rules or the order under article 16(4) of the Constitution making the new roster applicable to pending cases. In the two decisions referred to above, the power of the PSC was curtailed, and it ceased to have powers to make recruitment as originally proposed. It is not so in the present case as it has been made very clear that the new roster is applicable only to future recruitments. Hence they are not applicable to the present case. The decision of the Government is therefore in accordance with rule 8 of the General Recruitment Rules read with order under article 16(4) of the Constitution and it is in accordance with law.

Government also examined the question whether the new roster could now be made applicable to cases pending on 25-9-79. At the time introducing the new roster on 25-9-79 recruitment to a number of categories of posts was pending in the Commission. The Commission followed the old roster in the case of recruitment to about 8 categories of posts involving more than 100 posts, but followed the new roster in the case of Gazetted Probationers. The Commission was therefore not consistant in its action regarding the application of the roster. It selected candidates for interview on the basis of the old roster and published it on 12-10-79. It changed its mind and prepared a revised list of candidates for interview according to the new roster on 8-11-79. This was after receiving the clarification dated 26-10-79. On 15-12-79 the Commission addressed a letter to Government seeking clarification about the application of the new roster to pending cases and this indicated that the Commission itself felt that it had wrongly followed the new roster. Even than, it published the results prepared according to the new roster without waiting for a reply from Government.

The Hon'ble Member has referred to two Government Orders dated 16-5-1979 and 9-7-1979. In the former Government Order the percentage of vacancies reserved for Backward Communities was reduced from 20 percent to 18 percent and consequential amendment was made to the roster. This was done as a sequel to the decision of the High Court in Writ Petition No. 4371/77 striking down inclusion of certain communities in the list of Backward Communities. The implication of the High Court decision was that the the inclusion of these communities was *void abinitio*. Therefore instructions were issued in Circular No. DPAR 21 SBC 79 dated 29-5-1979 directing that the amendment to the roster made in the G.O dated 16-5-1979 should be made applicable to all cases where appointments were not made consequent on selection of candidates.

In the Government Order dated 9-7-1979 the percentage of reservation of vacancies in favour of persons belonging to Special Group was raised from 5 to 15. Instructions were issued that this increase of percentage of reservation should be made applicable to the cases where the selection process had not yet started.

The decision of Government to request the Commission to re-do the list in accordance with the old roster is in conformity with the legal position as explained above.

SRI C.M. ARUMUGHAM.—The Hon'ble Chief Minister has made one point viz., that the Commission has followed the old roster in certain cases and new roster in the present case. There is no relevancy here to the High Court decision. The Public Service Commission has not yet finalised the list. The Public Service Commission must follow any rule amended by the Government. I am not saying that, the Public Service Commission has more power or authority than the Government and that they should follow their own rules. They should function according to the directions and orders issued by the Government. They have followed the Government Order. I am glad that the Hon'ble Chief Minister read out a lengthy statement. My point is simple. The 25th September, 1979 Order, which sought to change the roster, is an amendment to the existing Government Order and they have followed it. As I have said that they have not got adequate representation. This matter may be considered sympathetically in their favour. This is how the bureaucrat set-up are playing in politics. Any order in favour of Harijans, they try to curtail their rights. There is only 3% representation for them in class-I posts. My submission is that they should be given adequate representation in the services. By giving them few more seats nothing is going to be lost. In the other case, where they have recruited hundred Class-III employees, if they have not followed the Government Order. you can ask them to follow it. You kindly see the High Court decision where they have said that the Public Service Commission must follow the amended rules if they have not finalised the list. Since they have not finalised the list, they have followed your order of 25th September, 1979. In the larger interest of the SCs/STs, in the larger interest of Backward Classes and Backward Castes and in the larger interest of Special Group, because they get benefits, I appeal to the Hon'ble Chief Minister to kindly accept it.

†SRI B. BASAVALINGAPPA (Yalahanka).—Sir, I am sorry, I came late. About these rosters and notifications we had a very big discussion on the floor of the House. I am glad that the Chief Miniser was very accommodative to set up a Committee to go into all these matters. The simple question before the Government is whether or not, the 1958 notification will have to be followed or 1978 notification will have to be followed or the 1979 notification will have to be followed. The 1979 notification is the latest. It does not wipe out the previous notifications. But what has happened is that only places are substituted in the 1979 notification. All other things referred to in 1977-78 notifications are there in tact; they are not changed. Now the lists are not published. The lists are not approved by the Government. When the recommendation was made by the Public

Service Commission, the 1979 Order was subsisting Therefore, they followed the 1979 Order. What made the Government to send back the list to PSC and ask them to re-do the list? With great respect, Sir, I submit that the 1979 Order subsists when the Government has not taken any decision. The PSC had followed the subsisting Government Order of 1979. Therefore, s nding back the rosters/notification to PSC is wrong and by doing so, the Government would not be taking a helpful attitudes towards these classes of people. We have been telling on the floor of the House and from the House tops that there has not b en adequate representation to the members of SC/ST, and I am glad that the Hon'ble Chief Minister has accepted the position and he has agreed to set right whatever wrong that has been done in the past. I therefore appeal to the Hon'ble Chief Minister not to send back the file, but to consider the recommendation of the PSC in toto and approve it.

† SRI K. H. SRINIVAS (Shimoga).— I have heard the statement made by the Hon'ble Chief Minister with rapt attention. The main point is, he was referring to the Legal Opinion elicited on the point. whether according to the Court decision, the 1979 Government Order is binding on the Public Service Commission or not. I think from what he read out to this House, there is no case made out that it was illegal on the part of the Public Service Commission to have followed the 1979 Order. The simple point is, that it has left no doubt as to whether it was binding or not. My learned friend Sri Arumugham has cited that there is no decision where it is unequivocally laid down that the Public Service Commission is bound by the subsisting orders of the Goverament. The common sense interpretation would be that the latest order should be binding. Now even if there is some doubt, from experience I have known, our Government's Legal Department always tries to the official line. I would very much like and insist on the Chief Minister to take a second opinion on this matter. In case what the Public Service Commission has done is not illegal because it is helpful to the SCs/STs and because it fits into the present policy of the Government, it is better we opt on that interpretation than to an interpretation, which would adversely affect the interests of the Scheduled Casts and Scheduled Tribes. So, before closing th s matter, I insist that the Chief Minister might take the second opinion, preferably by the Advocate-Generl, and con ider the very relevant point that has been made by my learned friend Sri Arumugham.

ಶ್ರೀ ಕೆ. ಪ್ರಭಾಕರ್ ನೆಲಮಂಗಲ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಸ್ಪೇಟ್ ಮೆಂಟನ್ನು ಮಾಡಿ ಮುಗಿಸಿದ್ದಾರೆ ಒಳ್ಳೆಯ ಉದಾರ ಮನಸ್ಸಿನಿಂದ ಮಾಡಿದ್ದೇವೆ ಎಂದು ಹೇಳಿತಕ್ಷ ಸಮಯದಲ್ಲಿ ನಾನು ಬಂದೆ. ವಿಷಯ ಏನು ಎನ್ನುವುದು ಗೊತ್ತಿದೆ, ಹೊಸದೇನಲ್ಲ. ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್

ಕಮಿಷನ್‌ರವರು ೧೯೫೮, ೧೯೭೮ ಮತ್ತು ೧೯೭೯ರಲ್ಲಿ ಆಗಿರತಕ್ಕ ಮೂರು ಕಾನೂನುಗಳಲ್ಲಿ ಯಾವುದನ್ನು ಅನುಸರಿಸಬೇಕು ಎನ್ನುವುದು ಎಲ್ಲರಿಗೂ ತಿಳಿದಿರುವ ವಿಷಯ. ಇದರ ಬಗ್ಗೆ ಲೀಗಲ್ ಒಪಿನಿಯನ್ ತೆಗೆದುಕೊಳ್ಳಿ ಎಂದು ಸ್ನೇಹಿತರು ಹೇಳಿದರು. ಈ ಮೂರು ಕಾನೂನುಗಳ ಸಾರಾಂಶ ಏನಿದೆ ಅದರ ಬಗ್ಗೆ ಲಾ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್‌ನವರನ್ನು ಸೆಕೆಂಡ್ ಒಪಿನಿಯನ್ ಕೇಳಿ ಉದಾರ ಮನಸ್ಸಿನಿಂದಜನಗಳಿಗೆ ಅನುಕೂಲವಾಗುವ ರೀತಿಯಲ್ಲಿ ಮಾಡಬೇಕು ಎನ್ನುವ ವಿಷಯವನ್ನು ಸರ್ಕಾರದ ಮುಂದೆ ಇಟ್ಟಿದ್ದಾರೆ. ಬಹಂತೇಕ ನಮ್ಮ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಇಂತಹ ಸಂದರ್ಭ ಬಂದಾಗ ನಾವೇನು ಮಾಡಿದ್ದೇವೆ ಅದರಲ್ಲಿ ಅನಿವಾರ್ಯದಿಂದ ಏನಾದರೂ ಅನ್ಯಾಯವಾಗಿದ್ದರೆ, ನಡೆದಿದ್ದರೆ ನಮ್ಮ ಗಮನಕ್ಕೆ ತನ್ನಿ ಅದನ್ನು ತಿದ್ದಿ ಸರಿಮಾಡುವುದಕ್ಕೆ ಉದಾರ ಮನಸ್ಸಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಅದು ಬೆಟರ್ ಆಟಿಟ್ಯೂಡ್ ಎಂದು ನಾವು ಅಂದುಕೊಳ್ಳಬೇಕು. ಯಾವುದಾದರೂ ಕಾರಣ ನೀಡಿದರೆ ಅದನ್ನು ತಿದ್ದಿ ಸರಿಪಡಿಸುತ್ತಾರೆಂದು ನಾವು ಅಂದುಕೊಳ್ಳಬೇಕು. ಇಲ್ಲಿ ಅಡ್ವರ್ಸ್ ಆಗುವುದಿದ್ದರೆ, ಬೇಗ ಜಾರಿಗೆ ಕೊಡುವುದಿದ್ದರೆ ಅವರಿಗೆ ಅನುಕೂಲವಾಗುವುದಿದ್ದರೆ ಅದನ್ನು ಹಿಸುಕಿ ಹಿಡಿದು ಅಡ್ಡದಾರಿಗೆ ತಿರುಗಿಸುವುದು ಅಡ್ಮಿನಿಸ್ಟ್ರೇಟೀವ್‌ನಲ್ಲಿ ಅನೂಚಾನವಾಗಿ ಅನೇಕಸಾರಿ ಬರುತ್ತದೆ. ಇದರಲ್ಲಿ ನ್ಯೂನತೆ ಏನಾದರೂ ಇದ್ದರೆ ಅದಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡ ಬೇಕಾಗಿದೇಯೇ, ಅದಕ್ಕೆ ಏನಾದರೂ ಸೇರಿಸಬೇಕೇ ಅಥವಾ ತೆಗೆಯಬೇಕೇ ಎನ್ನುವುದು ನೋಡಿ, ಮೋಸ್ಟ್ ಎಫೆಕ್ಟೀವ್ ಆರ್ಡರನ್ನಾಗಿ ಮಾಡಿ, ಅದನ್ನು ಜಾರಿಗೆ ಕೊಡಬೇಕು. ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ತಿದ್ದುಪಡಿ ಮಾಡ ಬೇಕು ಎಂದರೆ ಅದನ್ನು ಮಾಡುವುದಕ್ಕೆ ಏನೂ ಅಡ್ಡಿ ಇಲ್ಲ. ತೆನಾಲಿ ರಾಮಕೃಷ್ಣ ಚಿತ್ರ ಬರೆದ ಹಾಗೆ ಮಾಡಿ ಅದನ್ನು ಅನ್ಯಾಯಿ ಲೀಗಲ್ ಒಪಿನಿಯನ್ ಮಾರಿ ಹೋಗಿ ಎಂದು ಹೇಳುವುದಿಲ್ಲ. ಕಾನೂನನ್ನು ದೋಷವಿಲ್ಲದ ಹಾಗೆ ಜಾರಿಗೆ ತಂದರೆ ತಮಗೂ ಒಳ್ಳೆಯ ಹೆಸರು ಬರುತ್ತದೆ, ಜನಗಳಿಗೂ ಒಳ್ಳೆಯದಾಗುತ್ತದೆ ಎಂದು ಹೇಳಿ, ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

SRI. R. GUNDU RAO.— I heard my hon. friends. I read that statement only after getting the detailed report from the Law Department. The matter was also examined by the Law Minister, Advocate General and others in the Law Department. But, anyway, since my hon. Friends want to reconsider it and have a second look on this issue in the larger interests of the SCs and STs and Backward classes, I don't mind the matter being re-examined again. So, it will be re-examined and the second opinion will be sought and the matter will be placed before the House.

(ii) Reg : Encroachment of Government. Hospital compound at Nopoklu

†ಶ್ರೀ ಎಂ. ಸಿ. ನಾನಯ್ಯ (ಮಡಿಕೇರಿ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮಡಕೇರಿ ತಾಲ್ಲೂಕಿನ ನಾಪೋಕ್ಲು ಎಂಬ ಸ್ಥಳದಲ್ಲಿರತಕ್ಕ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯು ಆವರಣದೊಳಗೆ ಜನತಾ ಮನೆಗಳನ್ನು ನಿರ್ಮಾಣಮಾಡಿ ಆಸ್ಪತ್ರೆಯ ಶಾಂತತೆಯನ್ನು ಕೆಡಿಸುವಷ್ಟರಮಟ್ಟಿಗೆ ಈ ಕೆಲಸ ನಡೆದಿದೆ ಎನ್ನುವುದನ್ನು ನಾನು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ತರುತ್ತಿದ್ದೇನೆ. ಈ ಒಂದು ಆಸ್ಪತ್ರೆಯ ಕಾಂಪೌಂಡ್ ಯಾವುದು ಇದೆ ಅದರ. The total area is 3 acres 55 cents and this Hospital is in a rural area and now during the monsoon, this particular area is cut off from the rest of the district itself because Cavvery is in complete floods and this is the only one Hospital in that entire Hobli, which serves the needs of more then about 11 villages. I have information that there are mare then 10-15 beds; there is a morthuaray; there is a post-mortem building; There is a big ward. All these things are situated inside this compound and there is also a programme of the Government to expand the activities of the Hospital by putting up